

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHEN CROOK,

Plaintiff,

V.

P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, individually,

Defendants.

Case No. 08 C 2953

Judge Manning

Magistrate Judge Denlow

Jury Demand

FIRST AMENDED COMPLAINT

NOW COMES the Plaintiff, Stephen Crook, by and through his attorneys, Gregory E. Kulis and Associates, and complaining against the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 as follows.

COUNT I-EXCESSIVE FORCE

1) This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff and accomplished by acts and/or omissions of the Defendants committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3) The Plaintiff, Stephen Crook, at all relevant times was a United States citizen and permanent resident of the State of Indiana.

4) The Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429,

P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, were at all relevant times, duly appointed police officers of the City of Chicago Police Department, and at all relevant times, were acting within their scope of employment and under color of law.

5) On or about July 15, 2006, the Plaintiff was in a vehicle in the vicinity of Cermak and Troy in, Chicago, Illinois.

6) The Plaintiff was stopped by plain clothes police officers with guns drawn.

7) The Plaintiff got scared and ran.

8) Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 chased Stephen Crook and shot at him.

9) After a short chase, the Plaintiff circled back and surrendered.

10) The Plaintiff was not breaking any laws.

11) Without just cause or provocation, the Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 started to stomp and kick the Plaintiff.

12) The beating took place after the Plaintiff was handcuffed.

13) Said use of force was unprovoked.

14) Said use of force was excessive and unreasonable.

15) As a result of the force used by the Defendants, the Plaintiff, Stephen Crook, was injured.

16) The other Defendants stood by and allowed these acts to occur and failed to intervene.

17) Said actions of the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA

#19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 were intentional, willful and wanton.

18) Said actions of the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 violated the Plaintiff's Fourth Amendment Rights and were in violation of said rights protected by 42 U.S.C. §1983.

19) As a direct and proximate consequence of said conduct of Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, the Plaintiff, Stephen Crook, suffered violations of his constitutional rights, monetary loss, fear, emotional distress, pain and suffering.

WHEREFORE, the Plaintiff, Stephen Crook, prays for judgment against the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, jointly and severally, in an amount in excess of FIFTY THOUSAND AND 00/100 (\$50,000.00) DOLLARS compensatory damages and FIFTY THOUSAND AND 00/100 (\$50,000.00) DOLLARS punitive damages, plus attorney's fees and costs.

COUNT II- FALSE ARREST

1-18) The Plaintiff, Stephen Crook, hereby realleges and incorporates his allegations of paragraphs 1-18 of Count I as his respective allegations of paragraphs 1-18 of Count II as though fully set forth herein.

19) After the beating, the Defendants placed false criminal charges against the Plaintiff Stephen Crook.

20) These false charges were placed against the Plaintiff to cover up the brutal beating they administered to Stephen Crook.

21) The charge was dismissed immediately by the State upon the first court date.

22) There was no probable cause to arrest or charge the Plaintiff.

23) Said actions of the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, were intentional, willful and wanton.

24) Said actions of the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, violated the Plaintiff's Fourth Amendment Rights and were in violation of said rights protected by 42 U.S.C. §1983.

25) As a direct and proximate consequence of said conduct of Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, the Plaintiff, Stephen Crook, suffered violations of his constitutional rights, monetary loss, fear, emotional distress, pain and suffering.

WHEREFORE, the Plaintiff, Stephen Crook, prays for judgment against the Defendants, P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923, jointly and severally, in an amount in excess of FIFTY THOUSAND AND 00/100 (\$50,000.00) DOLLARS compensatory damages and FIFTY THOUSAND AND 00/100 (\$50,000.00) DOLLARS punitive damages, plus attorney's fees and costs.

COUNT III- INDEMNIFICATION

1-18) The Plaintiff, Stephen Crook, hereby realleges and incorporates his allegations of paragraphs 1-18 of Count I as his respective allegations of paragraphs 1-18 of Count III as though fully set forth herein.

26) Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

27) Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 are employees of the City of Chicago Police Department, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, should Defendants P.O. J.P. JACKOWIAK #3130, P.O. C.J. BARAJAS #7367, P.O. R.R. CABALLERO #11141, P.O. J.B. MCKENNA #14810, P.O. T.P. KINSELLA #17145, P. O. A. LARA #19429, P.O. O.V. SERRANO #2792, P.O. P. SANDOVAL #3927 and P.O. P.M. POWERS #7923 be found liable for the acts alleged above, Defendant City of Chicago would be liable to pay the Plaintiff any judgment obtained against said Defendants.

JURY DEMAND

The Plaintiff, Stephen Crook, requests a trial by jury.

Respectfully submitted,

/s/ Gregory E. Kulis
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